

1  
2  
3  
4  
5  
6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
8

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 CORY R. REIHART,

13 Defendant.  
14  
15

No. 1:16-cr-00169-SAB

**ORDER GRANTING MOTION  
FOR PROTECTIVE ORDER  
REGULATING DISCLOSURE  
OF DISCOVERY AND  
SENSITIVE INFORMATION**

16 Before the Court is the government's Motion for a Protective Order  
17 Regulating Disclosure of Discovery and Sensitive Information, ECF No. 15, and a  
18 related motion to expedite, ECF No. 16. The government avers that this case  
19 requires the dissemination of sensitive discovery material, including medical  
20 records of hospital patients, victims of the alleged crime, and Defendant. The  
21 Court finds that good cause exists under Fed. R. Crim. P. 16(d)(1) to grant the  
22 motion for protective order. The Court enters the following restrictions on  
23 discovery, below.

24 //

25 //

26 //

27 //

28 //

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The government's Motion for a Protective Order, ECF No. 15, is  
3 **GRANTED.**

4 2. The related motion to expedite, ECF No. 16, is **GRANTED.**

5 3. The United States is authorized to disclose the discovery and confidential  
6 medical information materials (hereinafter "Discovery") in its possession pursuant  
7 to the discovery obligations imposed by this Court.

8 4. Government personnel and counsel for Defendant shall not provide, or  
9 make available, the Discovery to any person except as specified in this Order or by  
10 approval from this Court. Therefore, defense counsel and the Government shall  
11 restrict access to the Discovery, and shall only disclose the Discovery to their  
12 client, office staff, investigators, independent paralegals, necessary third-party  
13 vendors, consultants, and/or anticipated fact or expert witnesses to the extent that  
14 defense counsel believes is necessary to assist in the defense of their client in this  
15 matter or that the Government believes is necessary in the investigation and  
16 prosecution of this matter.

17 5. Third parties contracted by the United States or defense counsel to  
18 provide expert analysis or testimony may possess and inspect the Discovery, but  
19 only as necessary to perform their case-related duties or responsibilities in this  
20 matter. At all times, third parties shall be subject to the terms of this Order.

21 6. Discovery in this matter will be made available to defense counsel via  
22 access to a case file on USA File Exchange. If necessary to review discovery with  
23 their respective clients, defense counsel may download the discovery and  
24 duplicate only once. Discovery materials may not be left in the possession of the  
25 defendants. In order to provide discovery to a necessary third-party vendor,  
26 consultant, and/or anticipated fact or expert witness, defense counsel may  
27 duplicate the discovery only once. No other copies shall be made, by defense  
28 counsel or the defendants, without prior approval from this Court.

1 7. To the extent that defense counsel makes any portion of the Discovery  
2 available in paper format to anyone, including their clients, outside of counsel's  
3 office, defense counsel shall ensure that any and all sensitive and confidential  
4 medical information is redacted or removed.

5 8. All counsel of record in this matter, including counsel for the United  
6 States, shall ensure that any party, including the Defendant, that obtains access to  
7 the Discovery is provided a copy of this Order. No other party that obtains access  
8 to or possession of the Discovery shall retain such access or possession unless  
9 authorized by this Order, nor further disseminate the Discovery except as  
10 authorized by this Order. Any other party that obtains access to, or possession of,  
11 the Discovery once the other party no longer requires access to or possession of  
12 the Discovery shall promptly destroy or return the Discovery once access to  
13 Discovery is no longer necessary. For purposes of this Order, "other party" is any  
14 person other than counsel for the United States, counsel for defendants, or the  
15 defendants.

16 9. All counsel of record, including counsel for the United States, shall keep  
17 a list to identify each person to whom the Discovery is disclosed and who was  
18 advised of the requirements of this Order. Neither counsel for each of the  
19 defendants, nor the counsel for the United States, shall be required to disclose this  
20 list of persons unless ordered to do so by the Court.

21 10. Upon entry of a final order of the Court in this matter and conclusion of  
22 any direct appeals, government personnel and counsel for defendants shall retrieve  
23 and destroy all copies of the Discovery, except that counsel and government  
24 personnel may maintain copies in their closed files following their customary  
25 procedures.

26 11. Government personnel and counsel for Defendants shall promptly report  
27 to the Court any known violations of this Order.

28 //

1  
2 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
3 file this Order and provide copies to counsel.

4 **DATED** this 19th day of January, 2017.



9  
10 

11 Stanley A. Bastian  
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28